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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,335	04/22/2004	Wen-Chih Lin	MR2561-154	6801

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

BENOIT, ESTHER

ART UNIT	PAPER NUMBER
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4152

MAIL DATE	DELIVERY MODE
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10/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,335

Applicant(s)

LIN, WEN-CHIH

Examiner

Esther Benoit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 22, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 are pending in this application.

Specification

2. The disclosure is objected to because of the following informalities:
 - a. Misuse of the word "has", pg.1, line 28
 - b. "SSM" and "SMM" has the same meaning in the disclosure, pg. 4, line 12

Appropriate correction is required.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

- a. Abstract refers to "data transmission means".

Appropriate correction is required.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters S100, S110, S120, etc. and 100,110,120, etc. have both been used to designate the steps of the process flowchart. It is also not understood why boxes for figures 2 and 3 are not filled in to designate the steps of the process flow chart. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

Claim Objections

5. Claim 4 is objected to for misspelling of Direct RAM BUS DRAM acronym as "Direct RDAM".

6. The following claims are objected to for lack of antecedent basis:

a. Claim 3, "the SSM" line 27

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b. Claim 11, "S130, "S131"

c. Claim 12, "S140"

7. Claims 1 and 11 are objected to because of the following informalities:

a. Claim 1 line 9, Claim 11 line 20, missing the word "is" when referring to "stored data to be transmitted"

Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being anticipated by Yukie (U.S. Patent no. 6,956,833 B1), Auckland (US 2003/0078037 A1), and Lehman (US 6,581,025 B2).

With respect to Claim 1, Yukie discloses starting operation (Col. 26, line 18), verifying the type and related settings of the storage device by a simple management module (SMM) (Col. 21, lines 29-33) that is electrically connected to the storage device, and executing functions of modules (Col. 18, lines 18-20) that are electrically connected to the SMM; ending operation (Col. 25, lines 25-29) Yukie does not disclose determining whether stored data to be transmitted through e-mail; transmitting the data

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to a preset e-mail address, however, Lehman discloses determining whether stored data to be transmitted through e-mail and transmitting the data to a preset e-mail address (Col. 12, lines 27-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yukie with the teachings of Lehman to determine if data stored is to be transmitted through e-mail using portable wireless devices. Lehman provides a method to track and time e-mail messages that are sent as well as received via wireless devices on. It is well known in the art that email messages may contain a formatted attached file such as image, audio, text, and other files that may be opened with a separate application.

With respect to Claim 2, Yukie discloses a radio transmission-enabled (Col. 5, lines 51-54) portable digital data storage device (Col. 4, lines 46-48), comprising at least: a data storage device for storing digital data (Col. 4, lines 46-48); a simple management module (SMM) for verifying the type and related settings of the storage device (Col. 21, lines 29-33) which is electrically connected therewith and executing functions of various modules (Col. 18, lines 18-20) that are electrically connected to the SMM; an external connection device (Col. 4, lines 35-37) linking electrically to the data storage device to connect an external electronic device (Col. 3, lines 42-48) for transmitting digital data stored in a memory device to a preset e-mail box or an Internet address (Col. 2, lines 35-41) through a desired data transmission means; a pushbutton device connected electrically to the SMM for controlling digital data transmission (Col. 4, lines 29-32) of the portable storage device;

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Yukie does not disclose a mobile communication module electrically connected to the external connection device for transmitting the digital data stored in the data storage device to the preset e-mail box or the Internet address, however, Aukland discloses a mobile communication module electrically connected to the external connection device for transmitting the digital data stored in the data storage device (Aukland, Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yukie with the teachings of Aukland by adding a mobile communication module of 2.5G or 3G technology to provide better quality and higher capacity of digitized control link and voice signals and in addition, provide faster communication services such as Internet, anytime and anywhere with flawless global roaming. Aukland provides a method for portable wireless devices to provide automating sensing, selection and negotiation of frequency band, channel and protocol standard for transmitting and receiving functions between wireless nodes using 3G technology which is an air interface standard.

With respect to Claim 3, Yukie discloses the radio transmission-enabled (Col. 5, lines 51-54) portable digital data storage device (Col. 4, lines 46-48) of claim 2, wherein the SSM is selected from the group consisting of Electrically Erasable & Programmable ROM (EEROM) (Col. 4, lines 46-48), Flash ROM (Col. 4, lines 46-48), Erasable & Programmable ROM (EPROM) (Col. 4, lines 46-48), and Electrically Erasable & Programmable ROM (EEPROM) (Col. 4, lines 46-48).

With respect to Claim 4, Yukie discloses the radio transmission-enabled (Col. 5, lines 51-54) portable digital data storage device (Col. 4, lines 46-48) of claim 2,

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wherein the data storage device is selected from the group consisting of Synchronous Dynamic Random Access Memory (SDRAM) (Col. 4, lines 46-48), Double Duration Rate Random Access Memory (DDR RAM) (Col. 4, lines 46-48), Direct RDAM (Direct RAM BUS DRAM) (Col. 4, lines 46-48), and Synchronous Link DRAM (SLDRAM) (Col. 4, lines 46-48).

With respect to Claim 5, Yukie discloses the radio transmission-enabled (Col. 5, lines 51-54) portable digital data storage device (Col. 4, lines 46-48) of claim 2, wherein the external connection device is selectively an IEEE-1394 interface and a Universal Serial Bus (USB) (Col. 4, lines 35-37).

With respect to Claim 6, Yukie does not disclose that the mobile communication module is selectively a 2.5G communication module or a 3G communication module, however, Auckland discloses the mobile communication module is selectively a 2.5G communication module or a 3G communication module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yukie with the teachings of Auckland by adding a mobile communication module of 2.5G or 3G technology to provide better quality and higher capacity of digitized control link and voice signals and in addition, provide faster communication services such as Internet, anytime and anywhere with flawless global roaming. Auckland provides a method for portable wireless devices to provide automating sensing, selection and negotiation of frequency band, channel and protocol standard for transmitting and receiving functions between wireless nodes using 3G technology which is an air interface standard.

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With respect to Claim 7, Yukie discloses the radio transmission-enabled (Col. 5, lines 51-54) portable digital data storage device (Col. 4, lines 46-48) of claim 2 further including a MP3 player which is electrically connected to the external connection device and the SMM to broadcast MP3 and compatible files (Col. 6, lines 20-23).

With respect to Claim 8, Yukie discloses the radio transmission-enabled (Col. 5, lines 51-54) portable digital data storage device (Col. 4, lines 46-48) of claim 2 further including a radio receiving module which is electrically connected to the external connection device and the SMM to receive and broadcast radio contents (Col. 9, lines 50-55).

With respect to Claim 9, Yukie discloses the radio transmission-enabled (Col. 5, lines 51-54) portable digital data storage device (Col. 4, lines 46-48) of claim 2 further including a digital video camera (Col. 7, lines 36-37) which has a digital camera lens and is electrically connected to the external connection device and the SMM to take pictures and store the pictures in the data storage device (Col. 7, lines 41-44).

With respect to Claim 10, Yukie discloses the radio transmission-enabled (Col. 5, lines 51-54) portable digital data storage device (Col. 4, lines 46-48) of claim 2 further including an audio recording device (Col. 6, lines 44-45) which is electrically connected to the external connection device and the SMM to store external audio signals in file formats in the data storage device (Col. 6, lines 47-48).

With respect to Claim 11, Yukie discloses determining whether the stored data to be transmitted through the Internet (Yukie, Abstract)

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With respect to Claim 12, Yukie discloses no transmitting of the stored data
(Yukie, Abstract)

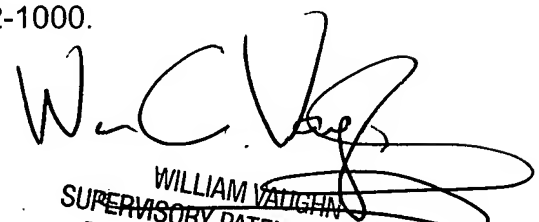
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther Benoit whose telephone number is 571-270-3807. The examiner can normally be reached on Monday through Friday between 7:30 a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E.B.
Oct 1, 2007


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